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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/181,402    10/28/98    BEACH

M    R0998-106

023123  
SCHMEISER OLSEN & WATTS  
18 E UNIVERSITY DRIVE  
SUITE # 101  
MESA AZ 85201

WM02/0924

EXAMINER
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ART UNIT	PAPER NUMBER
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2672

DATE MAILED:

09/24/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*GM*

**Office Action Summary**

Application No.

09/181,402

Applicant(s)

BEACH, MARK J.

Examiner

Daniel J Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

Claims 1-49 are presented for examination. This office action is in response to the amendment filed on 7-2-2001.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (5,826,031) in view of Obata (5,280,568).

Regarding claim 1, Nielsen discloses that the claimed feature of an apparatus (See Abstract, Fig 1) comprising

- a) at least one processor (See Fig 1)
- b) a memory coupled to the at least one processor (See Fig 1)
- c) an graphics file residing in the memory, the graphics file defining higher priority portions and lower priority portions such that when the graphics file is transferred, the higher priority portions of the graphics file are transmitted before the lower priority portions of the graphics file. (See Fig 1, Abstract, col 1 line 51-57)

Nielsen does not specifically disclose that "graphics file". However, Nielsen discloses "a web page", which includes a web objects (e.g. graphics file) and a web file. (See col 1 line 20-23, col 1 line 39-col 2 line 23) The motivation would have been to retrieve more important objects faster than less important objects, as disclosed in Nielsen. (See col 1 line 58-63) The high ranked web object (e.g. graphics file) can be considered as higher priority portions of single file of web page, and the low ranked web objects can be considered as lower priority portions of web page. Therefore, it would have been obvious to one skilled in the art to have "graphics file" in the teaching of Nielsen.

Nielsen does not explicitly discloses that a single graphics file, which contains higher priority portions and lower priority portions. However, Obata discloses that drawing a surface model [graphics file] for plural primitive surface models, [higher/lower priority portions] each primitive surface model being a part of the surface model, and applies drawing priority to each primitive surface model. (See Abstract, col 2 line 20-col 6 line 42) It would have obvious to one having ordinary skill in the art at the time of Applicant's invention to combine the teachings of Nielsen and Obata, because the teachings/suggestions in Nielsen (See Abstract, col 1 line 39-50) regarding of "a web object may be, but is not limited to, text, a graphical user interface element, an image file, an audio file, an applet, or other computer code. "Acting on" the information element typically includes, but is not limited to, displaying the text, displaying the

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graphical user interface element, displaying the image file...”, would provide the motivation to have prioritized transmitting/receiving for a single graphic with differently ranked image data, in order to retrieve/render more important objects faster than less important objects, as disclosed in Nielsen. (See col 1 line 58-63)

Regarding claim 2, refer to the discussion for the claim 1 hereinabove, Nielsen discloses that a receiving computer receiving portions of the graphics file, the receiving computer comprising an image interpreter and an image viewer residing on the receiving computer, the image interpreter translating the received portions of the graphics file into image data, such that the image viewer can display the higher priority portions of the graphics file before displaying the lower priority portions of the graphics file. (See Abstract, Fig 1, col 1 line 51-57; also See Abstract, col 2 line 20-col 6 line 42 in Obata)

The combination of Nielsen and Obata do not explicitly disclose that “an image interpreter”. However, the image interpreter is inherent by the web browser in order to display the received image file on the display device. Therefore, it would have been obvious to one skilled in the art to have “image interpreter” in the teaching of Nielsen.

Regarding claim 3, refer to the discussion for the claim 1 hereinabove, Nielsen discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of the graphics file to be selected and assigned at least one priority. (See Abstract, Fig 1, col 1 line 51-57, col 6 line 13-23; also See Abstract, col 2 line 20-col 6 line 42 in Obata)

Regarding claim 4, refer to the discussion for the claim 1 hereinabove, Nielsen discloses that the [image interpreter] saving the graphics file in a prioritized graphics file format. (See Abstract, Fig 1, col 1 line 51-57; also See Abstract, col 2 line 20-col 6 line 42 in Obata)

Nielsen does not explicitly disclose that "image interpreter". However, the image interpreter is inherent by the web browser in order for the server computer to store the image files in the proper format. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Regarding claim 5, refer to the discussion for the claims 1 and 4, Nielsen discloses that the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format. (See Abstract, Fig 1; also See Abstract, col 2 line 20-col 6 line 42 in Obata)

Regarding claim 6, refer to the discussion for the claim 1 hereinabove, Nielsen discloses that the graphics file format comprises a plurality of portions of the graphics file, each portion corresponding to the at least one priority. (See Abstract, Fig 1, col 6 line 13-23; also See Abstract, col 2 line 20-col 6 line 42 in Obata)

Regarding claim 7, Nielsen discloses that a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the graphics file, the simulation browser adding a delay between portions of the graphics file. (See Abstract, Fig 1, col 1 line 39-col 2 line 24)

Regarding claim 8, claim 8 is similar in scope to the combination of claims 1 and 2, and thus the rejections to claims 1 and 2 hereinabove are also applicable to claim 8.

Regarding claims 9-13, claims 9-13 are respectively equivalent to claims 3-7, and thus the rejections to claims 3-7 hereinabove are also respectively applicable to claims 9-13, but applied in view of the rejections to base claim 8.

Regarding claims 14-16, claims 14-16 are similar in scope to claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 14-16.

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In addition, Nielsen discloses that signal bearing media bearing the image interpreter wherein the signal bearing media comprises transmission media or recordable media. (See Abstract, Fig 1)

Nielsen does not specifically disclose that "transmission media" and "recordable media". However, those are inherent in order for the server computer to store or transmit the image files. Therefore, it would have been obvious to one skilled in the art to have "transmission media" or "recordable media" into the teaching of Nielsen.

Regarding claims 17-22, claims 17-22 are respectively equivalent to claims 2-7, and thus the rejections to claims 2-7 hereinabove are also respectively applicable to claims 17-22, but applied in view of the rejections to base claim 14.

Regarding claim 23, claim 23 is the corresponding program product of claims 14 and 17. Thus, the rejections to claims 14 and 17 hereinabove are also applicable to claim 23.

Regarding claims 24-30, claims 24-30 are respectively equivalent to claims 15-22, and thus the rejections to claims 15-22 hereinabove are also respectively applicable to claims 24-30, but applied in view of the rejections to base claim 23.



Regarding claim 31, claim 31 is the corresponding method of claim 1. Thus, the rejection to claim 1 hereinabove is also applicable to claim 31.

Regarding claims 32-34, claims 32-34 are respectively equivalent to claims 4-6, and thus the rejections to claims 4-6 hereinabove are also respectively applicable to claims 32-34, but applied in view of the rejections to base claim 31.

Regarding claim 35-36 and 38-40, claim 35-36 and 38-40 are similar in scope to claims 8, 13 and 10-12. Thus, the rejections to claims 8, 13 and 10-12 hereinabove are also applicable to claim 35-36 and 38-40.

Regarding claim 37, Nielsen discloses that the step of translating the portion of the image file into image data further comprises that step of decompressing the portion of the image file. (See Abstract, Fig 1)

Nielsen does not explicitly disclose that "decompressing". However, decompressing is inherent in order to decompress the compressed image data for displaying. Therefore, it would have been obvious to one skilled in the art to have "decompressing" into the teaching of Nielsen.

Regarding claims 41-49, claims 41-49 are similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claims 41-49.

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***Response to Arguments/Amendment***

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
September 15, 2001

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU**  
**PRIMARY EXAMINER**